

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EASTMAN KODAK COMPANY,

Plaintiff,

Civ. No. 02-CV-6441

-VS-

WACHOVIA BANK, NATIONAL ASSOCIATION, as
Successor by Interest to Merger with FIRST UNION
NATIONAL BANK,

Defendant.

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned, counsel for plaintiff, EASTMAN KODAK COMPANY, and defendant, WACHOVIA BANK, NATIONAL ASSOCIATION, as Successor in Interest by Merger to FIRST UNION NATIONAL BANK, that this action shall be and is hereby dismissed with prejudice pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, with each party to bear its own costs and attorneys' fees.

Dated: December 23, 2009

BOND, SCHOENECK & KING, PLLC



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ATTORNEYS FOR PLAINTIFF

SO ORDERED:

DATED: December 28, 2009



Michael A. Telesca
United States District Judge